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ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

1ST MEDIA LLC, Plaintiff, v. NAPSTER, INC., REALNETWORKS, INC., KSOLO, INC. and SLEP-TONE ENTERTAINMENT CORPORATION d/b/a SOUND CHOICE ACCOMPANIMENT TRACKS, Defendants.	CIVIL ACTION NO. 2:07-cv-00056-LDG-GWF **PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT SLEP-TONE ENTERTAINMENT CORPORATION D/B/A SOUND CHOICE ACCOMPANIMENT TRACKS**

Plaintiff asks the Clerk of the Court to enter default against Defendant **SLEP-TONE ENTERTAINMENT CORPORATION D/B/A SOUND CHOICE ACCOMPANIMENT TRACKS** ("Sound Choice").

Dockets.Justia.com

1. On January 16, 2007, Plaintiff filed suit against Sound Choice, and others alleging patent infringement. Sound Choice was served with process on January 22, 2007. The Return of Service was filed with this Court on February 5th, 2007.

2. Sound Choice's Answer or other response was originally due on February 11, 2007. Since that time the court has granted four (4) extensions of time for Sound Choice to answer or otherwise response to Plaintiff's Complaint. To date, however, Sound Choice has failed to file an Answer or other response. Accordingly, Plaintiff is entitled to an entry of default against Sound Choice.

3. Plaintiff submits the Declaration of Edward R. Nelson, III in support of the factual statements made herein.

4. Rule 55(a), Fed. R. Civ. P., provides that when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by the rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter a default against the party.

5. Plaintiff has met all of the procedural requirements for the obtaining of entry of default from the clerk.

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WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that the clerk of the court enter a default in favor of Plaintiff and against Defendant Sound Choice.

DATED this 12th day of June, 2007.

HUTCHISON & STEFFEN, LLC

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